

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

KEDRICK DESHUNE CLARK

PLAINTIFF

V.

CIVIL ACTION NO.4:09CV101-SA-SAA

WARDEN DWIGHT PRESLEY, ET AL.

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On consideration of the file and records in this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated May 12, 2010, was on that date duly served by first class mail upon the Plaintiff, and the attorneys of record for the Defendants; that more than fourteen days have elapsed since service of said Report and Recommendation, and that no objection thereto has been filed or served by said parties. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated May 12, 2010, be, and it is hereby, approved and adopted as the opinion of the Court.

2. The Plaintiff's claims regarding due process and general conditions of confinement are dismissed as to all defendants; Dwight Presley and Captain Milton are dismissed from this suit; and

3. Plaintiff's claim of denial of medical care against Captain Battle and Lieutenant Thomas for denying the Plaintiff the opportunity to wash chemical agent from his skin shall proceed.

This the 1st day of June, 2010.

/s/ Sharion Aycock  
U.S. DISTRICT JUDGE